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Question of Cyprus

Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Letter dated 12 June 2014 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention a judgement delivered on 12 May 2014 by the Grand Chamber of the European Court of Human Rights, awarding just satisfaction in the case of *Cyprus v. Turkey* (application No. 25781/94). It is the first time in the Court's history that monetary just satisfaction is awarded to a claimant State. The Court granted a record €90 million in non-pecuniary damages in respect of missing persons and their relatives, the enclaved Greek Cypriot residents of the Karpas peninsula and the displaced Greek Cypriot property owners.

The Court further stressed that, in addition to the award of just satisfaction, Turkey continues to have an obligation to take measures to put an end to the violations found by the Court and to redress their effects.

It is recalled that the Court, in its original judgement delivered in 2001, held that there were ongoing, numerous, grave and massive violations of the Convention for the Protection of Human Rights and Fundamental Freedoms by Turkey arising out of its military invasion of 1974 and continuing occupation of the northern part of Cyprus. The original judgement also concluded that the activities of the secessionist entity in the occupied areas are those of Turkey's subordinate and unlawful local administration, whose actions and omissions engage the legal responsibility of Turkey.

In its judgement of 12 May on the issue of just satisfaction with respect to the original case, the Court found that:

(a) The claim to just satisfaction cannot be extinguished or nullified by the passage of time;

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(b) In relation to the relatives of the missing persons, the Court found that they endured decades of not knowing the fates of their loved ones and the non-pecuniary award serves to give recognition to the fact that moral damage occurred as a result of a breach of a fundamental human right;

(c) In relation to the enclaved residents of the Karpas peninsula, the Court affirmed that they undergo multiple violations of their human rights, which cause protracted feelings of helplessness, distress and anxiety;

(d) In relation to the Greek Cypriot owners of property in the occupied areas, Turkey continues to have the obligation not to permit, participate, acquiesce or otherwise be complicit in any unlawful sale or exploitation of Greek Cypriot homes and property in the northern part of Cyprus;

(e) The original judgement of 2001 continues to be in effect in relation to the persisting violations of property rights by Turkey, since Greek Cypriot property owners in northern Cyprus are being denied access to and control, use and enjoyment of their property as well as compensation for the interference with their property rights;

(f) Turkey remains free to choose the means by which it will discharge its legal obligation vis-à-vis the Greek Cypriot property owners in the occupied areas. In this respect, the Court noted that the "Immovable Property Commission" does not absolve Turkey of this obligation.

This decision makes it, once again, unequivocally clear that the passage of time does not legitimize any fait accompli arising from Turkey's invasion of Cyprus and continuing occupation. It does not compromise existing rights, nor does it mitigate their violations or absolve their perpetrator of responsibility.

Res ipsa loquitur (the matter speaks for itself)!

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 42 and 69 (b), and of the Security Council.

(*Signed*) Nicholas **Emiliou**
Permanent Representative